

January 18, 2022

Dear Clatsop County Board of Commissioners,

Thank you for reading my public statement in regards to the proposed Short Term Rental Ordinance revisions that would create significant restrictions on vacation rentals.

Regarding STR's being considered a commercial use, there are legal guiding precedents in other counties that have debunked this line of thinking. See below from a recent ruling in Palm Springs:

<https://www.desertsun.com/story/money/business/2022/01/10/palm-springs-group-loses-appeal-over-2017-short-term-rental-lawsuit/9164500002/>

“Protect Our Neighborhoods argued in the lawsuit that short-term rentals violate Palm Springs' zoning code because they are commercial enterprises — not residential units — that change the character of single-family residential zones. The group also contended that “if the Zoning Code permits short-term rentals at all,” it does not permit property owners to rent out properties that they do not live in and requires that they have a land use permit or a conditional use permit.

The appeals court rejected each of these arguments, ruling that the Palm Springs ordinance was consistent with the city's zoning regulations. In the opinion, Presiding Justice Manuel Ramirez reasoned that since the zoning ordinance allowed for uses “customarily incident to” use as a dwelling, short-term rentals were not prohibited by the code, regardless of whether or not they were commercial enterprises.

*Admittedly, a short-term rental is not use as a “single-family dwelling”; neither the owner nor the renter is living there. Nevertheless, **it is a use customarily incident to use as a single-family dwelling. An owner customarily can rent out a house short-term as well as long-term.** Airbnb did not invent this practice; it just made it easier and more common. As early as 1991, the city was already collecting transient occupancy taxes on short-term rentals. And presumably, short-term rentals were going on even before they were taxed.”*

I'm deeply concerned that the proposed STR restrictions come from a place of exclusion, prioritizing those who can afford to own property along the Oregon Coast or can afford a week long stay.

Did the visionary Governor Oswald West want just 5% of Oregon's population to have the exclusive use of its beaches or did he want to keep Oregon's beaches accessible to all, not just the privileged few?

Due to the small quantity of hotels in the SW Coastal area, limiting or prohibiting short term rentals in the SW Coastal Area will limit access for the majority of Oregonians to the natural wonders of the SW Coastal Area. To that end, the proposed Short Term Policies are in direct competition with the vision of Oswald West and the goals of Oregon State Parks and Recreation for Inclusion as stated on their website:

<https://www.oregon.gov/oprd/AO/Pages/AU-accessibility.aspx>

Inclusion

"We believe everyone who visits Oregon's state parks should feel welcome and all people should have the opportunity to connect with outdoor experiences and special places—now and 100 years from now. This is our commitment to being an inclusive agency."

As a Clatsop County tax payer, STR owner, and community member, I request the Commissioners deeply consider policies that nourish a culture of excluding people just because they don't have the ability to live here full time or afford a week long stay. In a county that is 90% white, please consider how that impacts access for all Oregonians and the unintended consequences that will result. Prioritizing a small number of full time white residents nuisance complaints versus keeping the Oregon Coast accessible to all of the state's inhabitants is by its very nature **exclusion**. Prohibiting and limiting STR's will lead to exclusion. Please consider this when making your decisions on the STR Ordinance.

Potential issues with vacation rentals like noise, garbage, fires on beaches, parking, water use, conservation, are all things that we, as a community, CAN fix, but let's not use those as a reason to exclude "others" and limit access.

My hope is that we can all come together as a community, open our hearts and see the responsibility of the privilege we have as property owners and work together - keeping in mind both our smaller neighborhood communities and access for our greater community of Oregonians.

- Amber Geiger Morgan, Falcon Cove